

EXHIBIT 7

22.140.510 - Renewable Energy.

- A. Purpose. This Section establishes standards, conditions, and procedures that support and facilitate the development of small-scale solar energy systems, utility-scale solar energy facilities, temporary meteorological towers, and small-scale wind energy systems in a manner that protects public health, safety, and welfare and minimizes significant impacts to the environment.
- B. Definitions. Specific terms used in this Section are defined in Section 22.14.180 of Division 2 (Definitions), under "Renewable Energy."
- C. Applicability.
 1. Applicability of this Section. This Section applies to the development of any small-scale solar energy system, utility-scale solar energy facility, temporary meteorological tower, or small-scale wind energy system.
 2. Exemption. Subject to Subsection C.3 below, this Section shall not apply:
 - a. To any structure-mounted small-scale solar energy system, structure mounted utility-scale solar energy facility, or small residential rooftop solar energy system as defined and regulated by Section 65850.5 of the California Government Code and Title 26 (Building Code) of the County Code in Zone R-1, when a building permit has been issued prior to January 12, 2017, the effective date of this Section;
 - b. To any ground-mounted small-scale solar energy system, structure mounted utility-scale solar energy facility in Zone R-1 other than a small residential rooftop solar energy system as defined and regulated by Section 65850.5 of the California Government Code and Title 26 (Building Code) of the County Code, ground-mounted utility-scale solar energy facility, temporary meteorological tower, or small-scale wind energy system when a Ministerial Site Plan Review (Chapter 22.186), a Minor Conditional Use Permit (Chapter 22.160), or a Conditional Use Permit (Chapter 22.158), as applicable, has been granted prior to January 12, 2017, the effective date of this Section; or
 - c. When preempted by regulation under the jurisdiction of the California Public Utilities Commission or preempted by other applicable law.
 3. Modification to Existing System or Facility. This Section shall apply when a modification to a lawfully existing, as of January 12, 2017, the effective date of this Section, small-scale solar energy system, utility-scale solar energy facility, temporary meteorological tower, or small-scale wind energy system, occurs as follows:
 - a. Any modification that would substantially increase the physical size, height, or footprint of an existing small-scale solar energy system, utility-scale solar energy facility, temporary meteorological tower, or small-scale wind energy system;
 - b.

Any modification that would substantially change the type of equipment used by an existing small-scale solar energy system, utility-scale solar energy facility, temporary meteorological tower, or small-scale wind energy system except for replacement of equipment for maintenance purposes; or

- c. Any modification that would convert a small-scale solar energy system into a utility-scale solar energy facility; and
- d. Any modification that would convert a small-scale wind energy system into a utility-scale wind energy system is prohibited.

4. Applicability of Zone and Supplemental District Regulations. All provisions of the zone and any supplemental district in which a small-scale solar energy system, utility-scale solar energy facility, temporary meteorological tower, or small-scale wind energy system is located shall apply as follows:

- a. For a small-scale solar energy system, temporary meteorological tower, or small-scale wind energy system, where a provision of the zone or supplemental district regulates the same matter as this Section, the provision of this Section shall apply; and
- b. For a utility-scale solar energy facility, where a provision of the zone or supplemental district regulates the same matter as this Section, the more restrictive provision shall apply, except for the height of structure-mounted facilities and perimeter fences, in which case, this Section will control.

5. Prohibition. The following shall be prohibited:

- a. Ground-mounted utility-scale solar energy facilities within adopted Significant Ecological Areas designated in the General Plan and Economic Opportunity Areas designated in the Antelope Valley Area Plan; and
- b. Utility-scale wind energy facilities, including conversion of a small-scale wind energy system into a utility-scale wind energy facility.

D. Small-Scale Solar Energy Systems.

1. Application Requirements.

- a. Permitted. Structure-mounted small-scale solar energy systems are permitted in compliance with this Subsection D;
- b. Ministerial Site Plan Review. Ground-mounted small-scale solar energy systems, except in Zones O-S and W, shall require a Ministerial Site Plan Review (Chapter 22.186) application, in compliance with this Subsection D; or
- c. Minor Conditional Use Permit. Ground-mounted small-scale solar energy systems in Zones O-S and W shall require a Minor Conditional Use Permit (Chapter 22.160) application, in compliance with this Subsection D; and
- d.

Modification. A Minor Conditional Use Permit (Chapter 22.160) application shall be required where a modification to a development standard has been requested.

2. Additional Application Materials.

- a. Ministerial Site Plan Review. In addition to the application materials required for a Ministerial Site Plan Review (Chapter 22.186), the application shall contain the following information:
 - i. A site plan that depicts the small-scale solar energy system's footprint, height, and setback from all property lines; and
 - ii. A minimum of six color photographs, displaying various angles illustrative of the project area, with a photo-key map.
- b. Minor Conditional Use Permit. In addition to the application materials required for a Minor Conditional Use Permit (Chapter 22.160), the application shall contain the following information:
 - i. A minimum of six color photographs, displaying various angles illustrative of the project area, with a photo-key map; and
 - ii. Color photo simulations of the project area before construction of the project and after construction of the project.

3. Development Standards. Small-scale solar energy systems shall comply with the following standards:

- a. Conformance with Federal, State, and County Requirements. A small-scale solar energy system shall comply with the California Solar Rights Act (California Civil Code Section 714 et seq.), the California Solar Shade Control Act (California Public Resources Code Section 25980 et seq.), and any other applicable federal, State, and County legal requirements (and as may be modified by this Section).
- b. Additional Standard for Structure-Mounted Small-Scale Solar Energy Systems. In addition to the applicable standards of this Subsection D.3, the combined height of a structure and structure-mounted small-scale solar energy system shall not exceed the height limit of the zone by more than five feet.
- c. Additional Standards for Ground-Mounted Small-Scale Solar Energy Systems. In addition to the applicable standards of this Subsection D.3, a ground-mounted small-scale solar energy system shall also comply with the following standards:
 - i. Height. The height of a solar array shall not exceed 15 feet.
 - ii. Maximum Lot Coverage. The maximum lot coverage for solar arrays and any accessory structures shall be 25 percent of the lot or 2.5 acres, whichever is lesser.

d.

Additional Standard for Lot Coverage Modification to Ground Mounted Small-Scale Solar Energy Systems. In addition to the applicable standards of this Subsection D.3, a lot coverage modification for a ground mounted small-scale solar energy system shall also comply with Subsection E.3.c.vii (Signs), below.

4. Aviation Review. When a Minor Conditional Use Permit (Chapter 22.160) is required by Subsection D.1, above, and the small-scale solar energy system is located within a Military Operations Area (MOA) or Airport Influence Area (AIA), Subsection H, below, shall apply.
5. Additional Findings. When a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection D.1, above, the following additional findings shall apply, as applicable.
 - a. Additional Findings for a Minor Conditional Use Permit.
 - i. The project complies with all applicable development standards in Subsection D.3, above;
 - ii. The project is sited and designed and will be constructed in such a way to minimize significant impacts to the environment; and
 - iii. The project is sited in such a way to minimize site disturbance, such as grading, brush clearance, and other forms of earthwork.
 - b. Additional Findings for a Modification to Development Standards.
 - i. Due to topographic or physical features of the site, strict compliance with all the required development standards would substantially and unreasonably interfere with the establishment of the proposed project on the subject property; and
 - ii. The requested modification would not be contrary to the purpose of this Section.
 - c. Additional Findings for Projects Requiring Aviation Review. Where an application requires aviation review and the application request would penetrate the lower floor elevation of any MOA mapped in the County General Plan, the following additional findings are required:
 - i. The MOA military operator has determined:
 - (1) The project would not be detrimental to the function of that MOA; and
 - (2) The project would not pose a health or safety hazard to MOA personnel or the public.
6. Conditions of Approval. In addition to the conditions that may be imposed under Section 22.160.060 (Conditions of Approval), when a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection D.1, above, the following conditions of approval shall be imposed:
 - a. Development Standards. The applicable development standards in Subsection D.3, above, unless specifically modified as provided herein.
 - b.

Conditions to Ensure Compliance with Findings. Any additional conditions deemed necessary to ensure that such use will be in accordance with the required findings in Subsection D.5, above.

- c. Additional Conditions of Approval for a Lot Coverage Modification to Ground-Mounted Small-Scale Solar Energy Systems. In addition to the conditions of approval required by this Subsection, when a lot coverage modification has been requested for a ground-mounted small-scale solar energy system, Subsections E.6.d.v and E.6.d.vii, below, shall apply.

E. Utility-Scale Solar Energy Facilities.

1. Application Requirements.

- a. Minor Conditional Use Permit. Structure-mounted utility-scale solar energy facilities in Zone R-1, except small residential rooftop solar energy systems as defined and regulated by Section 65850.5 of the California Government Code and Title 26 (Building Code) of the County Code, shall require a Minor Conditional Use Permit (Chapter 22.160) application, in compliance with this Subsection E; or
- b. Conditional Use Permit. Ground-mounted utility-scale solar energy facilities in Zones A-2, C-H, C-1, C-2, C-3, C-M, C-R, C-MJ, C-RU, M-1, M-1.5, M-2, M-4, R-R, MXD-RU, MXD, and IT shall require a Conditional Use Permit (Chapter 22.158) application, in compliance with this Subsection E.

2. Application Materials.

- a. Minor Conditional Use Permit. In addition to the application materials required for a Minor Conditional Use Permit (Chapter 22.160) application, the application shall contain the following information:
 - i. A minimum of six color photographs, displaying various angles illustrative of the project area, with a photo-key map; and
 - ii. Color photo simulations of the project area before construction of the project and after construction of the project.
- b. Conditional Use Permit. In addition to the application materials required for a Conditional Use Permit (Chapter 22.158) application, the application shall contain the following information:
 - i. All materials and information required by Subsection E.2.a, above;
 - ii. A site plan that depicts the following:
 - (1) Solar array footprint and height;
 - (2) Solar array setbacks from all property lines;
 - (3) Area and amount of proposed grading and site disturbance;
 - (4) Topography of the site;

- (5) Any watercourses on the site;
 - (6) Access roads;
 - (7) Any required fencing;
 - (8) Any required signage;
 - (9) Any required lighting;
 - (10) Transmission lines; and
 - (11) Any significant ridgelines on the site.
 - iii. A detailed landscaping plan that depicts:
 - (1) Any required fencing;
 - (2) Proposed plant species palette, the number and size of each plant;
 - (3) Proposed water usage for planting and maintaining proposed landscaping; and
 - (4) Proposed timing and phasing of proposed landscaping.
 - iv. A decommissioning plan;
 - v. A hydrology study;
 - vi. A conceptual dust control plan;
 - vii. A glare study; and
 - viii. A description of amount and source of water necessary for the construction and operation of the project.
3. Development Standards. Utility-scale solar energy facilities shall comply with the following standards:
- a. Conformance with Federal, State, and County Requirements. A utility-scale solar energy facility shall comply with any applicable federal, State, and County legal requirements (and as may be modified by this Subsection E).
 - b. Additional Standards for Structure-Mounted Utility-Scale Solar Energy Facilities. In addition to the applicable standards required by this Subsection E, a structure-mounted utility-scale solar energy facility shall also comply with the following standards:
 - i. Height. The combined height of a structure and structure mounted utility-scale solar energy facility's solar arrays shall not exceed the height limit of the zone by more than five feet.
 - ii. Setbacks. If a structure-mounted utility-scale solar energy facility is mounted to a building, setbacks from the perimeter of the roof shall be:
 - (1) Three feet on residential buildings; or
 - (2) Four feet on non-residential or mixed use buildings.

c.

Additional Standards for Ground-Mounted Utility-Scale Solar Energy Facilities. In addition to the applicable standards of this Subsection E.3, a ground-mounted utility-scale solar energy facility shall also comply with the following standards:

- i. Coastal Zone. Within the Coastal Zone, the placement of any ground-mounted utility-scale solar energy facility shall comply with the applicable Local Coastal Plan.
- ii. Fencing. Fencing shall be required around the perimeter of the ground-mounted utility-scale solar energy facility. In addition to compliance with the California Public Utilities Commission and United States Occupational Safety and Health Administration fencing guidelines for substations, all fencing shall comply with the following, except as otherwise required by Public Works to maintain minimum corner sight distance:
 - (1) Opaque and non-opaque fences are permitted;
 - (2) Fencing up to eight feet in height is permitted;
 - (3) Fencing shall not be located within 15 feet of a public right of way but may be located within the required setback area; and
 - (4) Facility perimeter fencing shall incorporate small animal permeable design.
- iii. Height. The height of any solar array shall not exceed 25 feet.
- iv. Lighting. In addition to the requirements of Chapter 22.80 (Rural Outdoor Lighting District), any outdoor lighting required for safety and security purposes shall be shielded and directed downward to avoid light trespass and shall include:
 - (1) Motion sensors for entry-lighting to the on-site equipment, structures, and buildings; and
 - (2) Light-sensor or motion-sensor lighting for the main facility access gate, operations and maintenance building doorways, and any parking areas of facilities with operation and maintenance buildings.
- v. Setbacks. Setbacks from the property line shall be:
 - (1) A minimum of 30 feet in Agricultural Zones; or
 - (2) As provided in the base zone for all non-Agricultural Zones.
- vi. Significant Ridgelines. The highest point of a ground mounted utility-scale solar energy facility shall be located at least 50 vertical feet and 50 horizontal feet from a significant ridgeline identified in the General Plan or in an applicable Community Standards District.
- vii. Signs. One pole-mounted project identification sign shall be located at each temporary or permanent ingress or egress point. Signs shall include owner and emergency contact information. No other signs shall be posted at the ground-mounted utility-

scale solar energy facility other than safety, directional, and warning signs as required in Chapter 22.114 (Signs).

- viii. Landscaped Buffer. A landscaped area at least 10 feet in depth shall be maintained along any facility perimeter fencing and between such fencing and any public right-of-way or adjacent property with an existing residential or agricultural use.
- 4. Aviation Review. When a Minor Conditional Use Permit (Chapter 22.160) or Conditional Use Permit (Chapter 22.158) is required by this Subsection E and the utility-scale solar energy facility is located within a MOA or AIA, Subsection H, below, shall apply.
- 5. Additional Findings.
 - a. Conditional Use Permit and Minor Conditional Use Permit. When a Conditional Use Permit (Chapter 22.158) application or Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection E.1, above, the following additional findings shall apply, as applicable:
 - i. The project complies with all applicable development standards in Subsection E.3, above;
 - ii. The project is sited and designed and will be constructed in such a way to minimize significant impacts to the environment, including impacts to birds and bats, through appropriate measures including minimizing proximity to perch sites such as transmission lines and towers; and
 - iii. The project is sited in such a way to minimize site disturbance, such as grading, brush clearance, and other forms of earthwork.
 - b. Additional Findings for Ground-Mounted Utility-Scale Solar Energy Facilities. In addition to the findings required by this Subsection E.5, for ground mounted utility-scale solar energy facilities, the following additional findings shall apply, as applicable:
 - i. The proposed vegetation required along the facility perimeter fencing sufficiently provides a buffer from adjacent residential and agricultural uses through variable placement and muting of frontage or other sensitive viewsheds so as to provide a natural visual transition between the project and its surroundings;
 - ii. The proposed vegetation sufficiently provides ground cover to the satisfaction of a County biologist; and
 - iii. The proposed vegetation sufficiently provides such buffer and ground cover in a timely manner to the satisfaction of a County biologist.
 - c. Additional Findings for a Modification to Development Standards. In addition to the findings required by this Subsection E.5, when a modification has been requested to any development standard required by Subsection E.3, above, the following additional

findings shall apply, as applicable:

- i. Due to topographic or physical features of the site, strict compliance with all the required development standards would substantially and unreasonably interfere with the establishment of the proposed project on the subject property; and
 - ii. The requested modification would not be contrary to the purpose of this Section.
- d. Additional Findings for Projects Requiring Aviation Review. In addition to the findings required by this Subsection E.5, where a project requires aviation review and the project would penetrate the lower floor elevation of any MOA mapped in the County General Plan, the Commission or Hearing Officer, the following additional findings shall apply, as applicable:
 - i. MOA military operator has determined:
 - (1) The project would not be detrimental to the function of that MOA; and
 - (2) The project would not pose a health or safety hazard to personnel or the public.
- 6. Conditions of Approval. In addition to the conditions that may be imposed when a Minor Conditional Use Permit (Chapter 22.160) or Conditional Use Permit (Chapter 22.158) is required by Subsection E.1, above, the following conditions of approval shall be imposed:
 - a. Development Standards. The applicable development standards in Subsection E.3, above, unless specifically modified as provided herein.
 - b. Findings. Any additional conditions deemed necessary to ensure that such use will be in accordance with the required findings in Subsection E.5, above.
 - c. Glare. All utility-scale solar energy facilities shall be designed and located in such a way to minimize reflective glare toward any habitable structure on adjacent properties as well as adjacent street rights-of-way.
 - d. Additional Conditions of Approval for Ground-Mounted Utility Scale Solar Energy Facilities. In addition to the conditions of approval required by this Subsection E.6, ground-mounted utility-scale solar energy facilities shall also require the following conditions of approval:
 - i. Access Roads. All temporary and permanent ingress and egress points to the ground-mounted utility-scale solar energy facility shall be designed and sited to the satisfaction of Public Works and Fire Department, shall consider adequate spacing from intersections, and shall maintain adequate sight distances. Dirt access roads shall be treated with a suitable non-toxic long-term soil binder or application of similarly effective material to control dust, such as gravel.
 - ii. Decommissioning.
 - (1) The decommissioning plan shall be prepared to the satisfaction of the Director and the Director of Public Works.

- (2) Prior to any ground disturbance or the issuance of any grading or building permit, performance and financial guarantees in an amount sufficient to ensure the performance of the decommissioning plan shall be determined to the satisfaction of the Director and the Director of Public Works and incorporated into a final decommissioning plan. This amount shall be posted by the permittee.
 - (3) Prior to any ground disturbance or the issuance of any grading or building permit, the permittee shall record an easement granting access to the County for activities related to decommissioning. A draft easement document shall be submitted prior to easement recordation, for review and approval by the Director and the Director of Public Works.
 - (4) In the event that any portion of a ground mounted utility-scale solar energy facility ceases operation for a consecutive period of six months, or the permit for the use has expired, operations for that use shall be deemed to have been abandoned. Within six months after the written notice is mailed from the Director to the permittee advising of the abandoned use, the facility or portions thereof shall be removed from the property. However, within the six months after written notice of abandonment is mailed to the permittee, the permittee may provide the Director with a written request and justification for an extension to resume operations of the facility or portions thereof, so long as the permit has not expired.
- iii. Landscaped Buffer.
- (1) A landscaped area at least 10 feet in depth shall be maintained along any facility perimeter fencing and between such fencing and any public right-of-way or adjacent property with an existing residential or agricultural use.
 - (2) Existing non-invasive drought-tolerant vegetation approved by a County biologist shall be retained and/or new non-invasive, drought tolerant vegetation approved by a County biologist shall be planted within the landscaped area within the time frames specified in the permit conditions.
 - (3) The landscaped area shall incorporate a variety of design elements appropriate for the surrounding area, including but not limited to hardscape, such as decorative rocks, boulders, berms, and fencing and softscape, such as trees, shrubs, vines, and succulents. In no way shall the hardscape or softscape features adversely affect drainage patterns.
 - (4) The landscaped area shall be established in such manner that adequate corner sight distance is maintained from all access roads to the public right-of-way to the satisfaction of Public Works.
 - (5)

The landscaped area shall be planted and temporary irrigation system installed prior to final permit inspection of the project or project phase to the satisfaction of the Director. Establishment of the plantings shall be verified at the time of regular inspections according to inspection time frames in the permit conditions; and

- (6) The landscaped area shall be maintained throughout the life of the facility.
- iv. Scenic Resources. Any ground-mounted utility-scale solar energy facility placed within the viewshed of a Scenic Drive, Scenic Highway, or Scenic Route identified in the General Plan, an applicable Area or Community Plan, or Community Standards District shall be analyzed for any associated negative impacts, including but not limited to visual impacts. Appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed.
- v. Site Disturbance.
 - (1) Air Quality Management District. State requirements imposed by the applicable Air Quality Management District conditions shall apply.
 - (2) Soil Erosion. To ensure dust control and minimal soil erosion, existing vegetation may be mowed, but removal of existing vegetation root systems shall be prohibited, except where necessary for construction of access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County.
 - (3) Hydrology. The facility shall be designed to minimize erosion, sedimentation, or other impacts to the natural hydrology and drainage patterns of the property. Existing topography and watercourses shall be retained or restored to pre-development conditions following construction and during operations, except for drainage features specifically designed to mitigate drainage impacts. Prior to any discretionary approval, a hydrology study shall be prepared in compliance with the most recent County standards for addressing drainage impacts to the satisfaction of Public Works.
 - (4) Grading. To control fugitive dust and preserve the natural topography, the facility shall be designed in such a way that ground disturbance or grading is limited to only the access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County. The facility shall comply with all applicable grading standards.
 - (5) Fugitive Dust Control Plan. A fugitive dust control plan including a dust plume response plan shall be prepared by the permittee for review and approval by applicable agencies prior to any earthwork activities.
 - (6) Construction Practices.

- (a) Fugitive Dust. Fugitive dust emission shall be controlled by phased earthwork, site watering, use of clean gravel not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, posting private roadways with reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures may be implemented by the permittee if determined by applicable agencies to be suitable methods to adequately control dust in a safe manner during construction, operation, and removal and restoration activities.
 - (b) Vegetation. Work where the facility components are being installed in areas with existing vegetation shall be conducted with minimal disturbance, and the permittee shall take all necessary precautions to not use vehicles or machinery for grading or alter the exiting grade in these areas. When vehicles or machinery are deemed necessary for installation, appropriate ground protection practices, such as construction mats, stabilizers, or established vegetation, shall be utilized for both dust suppression and to ensure that the use of vehicles or machinery is compatible with continued and future vegetation growth. The permittee shall retain a biologist to confirm that construction practices are compatible with continued and future vegetation growth. Any grading, disking, scraping, or other ground disturbance proposed as part of the facility shall be permanently stabilized with an earth-stabilizing product or other measure that is acceptable to the Department and the Departments of Public Works and Public Health to prevent fugitive dust.
- vi. Transmission Lines. On-site and off-site transmission lines shall be placed underground to the satisfaction of the Department and Public Works, except where above-ground crossings are otherwise required, such as over the California Aqueduct. A franchise agreement shall be required for distribution/transmission facilities within the public right-of-way. Disturbed areas shall comply with Subsection E.6.d.v (Site Disturbance), above to ensure dust control and minimal soil erosion.
- vii. Water Quality Protection. Measures to protect groundwater and surface water from waste discharge shall be incorporated into the facility design, as appropriate, and shall meet the requirements of the Regional Water Quality Control Board.
- viii. Water Use.
 - (1) The facility shall use the minimum amount of water required during the construction period. The facility shall be limited to the maximum use of water as established by the Commission or Hearing Officer, as applicable, for the duration of the construction period.

- (2) The facility shall use the minimum amount of water required during the operation of the facility. The facility shall be limited to the maximum use of water as established by the Commission or Hearing Officer, as applicable, for the operation of the facility for the duration of this grant.
- (3) The facility shall use piped recycled water if it is available from the public right-of-way within one mile from the property at fair market value, suitable for use, and deemed appropriate by a County biologist. If such piped recycled water does not meet all of the facility's water demand, the facility shall use piped potable water to supplement piped recycled water if it is available from the public right-of-way within one mile from the property at fair market value and suitable for use.
- (4) The permittee shall maintain a daily log, which shall include the number of gallons and acre feet of water used on the property used for the following, which includes, but is not limited to, construction, operation, maintenance, landscaping, and irrigation. The permittee shall complete the record of monthly water usage by source within eight days following the conclusion of each calendar month. The log shall be made available to the Department upon demand.

F. Temporary Meteorological Towers.

1. Permit Required.
 - a. Minor Conditional Use Permit. Temporary meteorological towers in Zones R-1, R-2, R-3, R-4, R-5, R-A, A-1, A-2, O-S, C-RU, and MXD shall require a Minor Conditional Use Permit (Chapter 22.160) application, except when modified by this Subsection F.
2. Application Materials. In addition to the application materials required for a Minor Conditional Use Permit (Chapter 22.160) application, the application shall contain the following information:
 - a. A minimum of six copies of the proposed site plan, elevation plan, and location map depicting the project location on United States Geological Survey topographic sheets. On each set of the required site and elevation plans, the applicant shall depict the type and location of any safety lights and energy storage devices; and
 - b. Drawings to scale of the structure, including the tower, base, wind-measuring devices, and footings, if any.
3. Development Standards. Temporary meteorological towers shall comply with the following standards:
 - a. Minimum Lot Size. The minimum lot size shall be 0.5 acres.
 - b. Maximum Tower Height. Tower height shall be measured from the ground to the top of the tower, excluding the wind measuring devices, and be consistent with the following:
 - i.

The tower shall not exceed a height of 35 feet above grade for lots less than one acre in size;

- ii. The tower shall not exceed a height of 65 feet above grade for lots from one acre to less than two acres in size; and
 - iii. The tower shall not exceed a height of 85 feet above grade for lots two acres or greater in size.
- c. Location.
 - i. The minimum distance between a temporary meteorological tower and any property line or road right-of-way shall be the distance which is the equivalent to the height of the temporary meteorological tower including any wind measuring devices provided that the required distance shall also comply with any applicable fire setback requirements pursuant to Section 4290 of the California Public Resources Code;
 - ii. No part of a temporary meteorological tower shall be located within or over drainage, utility, or other established easements, or on or over property lines; and
 - iii. Safe clearance shall be provided between a temporary meteorological tower and all structures and trees.
- d. Design.
 - i. Colors. The colors used in the construction materials or finished surface shall be muted and visually compatible with surrounding development.
 - ii. Lighting. A safety light that meets Federal Aviation Administration (FAA) standards shall be required for all towers exceeding 50 feet in height including any wind-measuring devices. A safety light may also be required on shorter towers. All required lights shall be shielded from adjacent properties, and no other lights shall be placed upon the tower.
 - iii. Climbing Apparatus. All climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.
- e. Signs. One sign, limited to 18 inches in length and one foot in height, shall be posted at the base of the tower; the sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner to call in the event of an emergency.
- f. Displacement of Parking Prohibited. The location of a temporary meteorological tower shall not result in the displacement of required parking as specified in Chapter 22.112 (Parking).
- g. Maintenance. Temporary meteorological towers shall be maintained in operational condition that pose no potential safety hazards.
- h.

Removal. Within six months after the operation of a temporary meteorological tower has ceased or its permit has expired, whichever occurs first, the permittee shall remove the temporary meteorological tower, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to its installation. Failure to remove the temporary meteorological tower as required above shall constitute a public nuisance. Prior to installation of any temporary meteorological tower, the permittee shall post a performance security, satisfactory to the Director of Public Works, in an amount and form sufficient to cover the cost of the removal of the temporary meteorological tower as provided herein. In the event the temporary meteorological tower is not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause it to be removed, and the permittee shall be required to pay the County's cost of removal.

- i. Guy Wires. The use of guy wires shall be prohibited.
4. Aviation Review. The Director shall distribute copies of the proposed temporary meteorological tower site plan, elevation plan, and location map to aviation related regulatory agencies and facilities with flight operations in the vicinity, as determined by the Director, such as the FAA, Fire Department, Sheriff, Edwards Air Force Base, and Air Force Plant 42, as applicable. Any comments received within 30 days of distribution will be considered in establishing conditions, as appropriate.
5. Additional Findings.
 - a. Minor Conditional Use Permit. When a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection F.1, above, the following additional findings shall apply, as applicable:
 - i. The project complies with all applicable development standards in Subsection F.3, above, unless modified by Subsection F.5.b, below.
 - b. Additional Findings for a Modification to Development Standards. In addition to the applicable findings required by this Subsection F.5, when a modification has been requested to any development standard in Subsection F.3, above, the following additional findings shall apply, as applicable:
 - i. Due to topographic or physical features of the site, strict compliance with all the required development standards would substantially and unreasonably interfere with the establishment of the proposed project on the subject property; and
 - ii. The requested modification would not be contrary to the purpose of this Section.
6. Conditions of Approval. In addition to the conditions that may be imposed under a Minor Conditional Use Permit (Chapter 22.160) application, the following conditions of approval shall be imposed:
 - a. Development Standards. The applicable development standards in Subsection F.3, above, unless modified by Subsection F.5, above.

- b. Findings. Any additional conditions deemed necessary to ensure that such use will be in accordance with the required findings in Subsection F.5, above.

G. Small-Scale Wind Energy Systems.

1. Application Requirements.

- a. Minor Conditional Use Permit. Small-scale wind energy systems in Zone R-1, R-2, R-3, R-4, R-5, R-A, A-1, A-2, and O-S shall require a Minor Conditional Use Permit (Chapter 22.160) application, except when modified by this Subsection G.

2. Additional Application Materials.

- a. In addition to the application materials required for a Minor Conditional Use Permit (Chapter 22.160), the application shall contain the following information:
 - i. A minimum of six copies of the proposed site plan, elevation plan, and location map depicting the project location on United States Geological Survey topographic sheets. On each set of the required site and elevation plans, the applicant shall depict the type and location of any safety lights and energy storage devices; and
 - ii. Drawings to scale of the structure, including the tower, base, wind turbine generator, blades, footings, and associated equipment.

3. Development Standards. Small-scale wind energy systems shall comply with the following standards:

- a. Minimum Lot Size. The minimum lot size shall be 0.5 acres.
- b. Maximum Tower Height. Tower height shall be measured from the ground to the top of the tower, excluding the wind turbine generator, blades, and wind measuring devices, as applicable, and be consistent with the following:
 - i. The tower shall not exceed a height of 35 feet above grade for lots less than one acre in size;
 - ii. The tower shall not exceed a height of 65 feet above grade for lots from one acre to less than two acres in size; and
 - iii. The tower shall not exceed a height of 85 feet above grade for lots two acres or greater in size.

c. Location.

- i. The minimum distance between a small-scale wind energy system and any property line or road right-of-way shall be the distance which is the equivalent to the height of the system including any wind turbine generator, wind measuring devices, and the highest vertical extent of any blades, provided that the required distance shall also comply with any applicable fire setback requirements pursuant to Section 4290 of the California Public Resources Code.

- ii. No part of a small-scale wind energy system shall be located within or over drainage, utility, or other established easements, or on or over property lines.
 - iii. Safe clearance shall be provided between a small-scale wind energy system and all structures and trees.
- d. Design.
 - i. Colors. The colors used in the construction materials or finished surface shall be muted and visually compatible with surrounding development.
 - ii. Lighting. A safety light that meets FAA standards shall be required for all systems exceeding 50 feet in height including any wind turbine generator, wind-measuring devices, and the highest vertical extent of any blades. A safety light may also be required on shorter towers. All required lights shall be shielded from adjacent properties, and no other lights shall be placed upon the tower.
 - iii. Climbing Apparatus. All climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.
- e. Signs. One sign, limited to 18 inches in length and one foot in height, shall be posted at the base of the tower; the sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner to call in the event of an emergency.
- f. Displacement of Parking Prohibited. The location of a small scale wind energy system shall not result in the displacement of required parking as specified in Chapter 22.112 (Parking).
- g. Guy Wires. The use of guy wires shall be prohibited.
- h. Clearance of Blade Above Ground Level. No portion of a small scale wind energy system blade shall extend within 20 feet of the ground.
- i. Automatic Overspeed Controls. A small-scale wind energy system shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the small-scale wind energy system.
- j. Wind Turbine Generator.
 - i. The wind turbine generator shall be certified by a qualified, licensed engineer as meeting the requirements of wind turbine-specific safety and/or performance standards adopted by the national or international standards-setting body, including, but not limited to IEC (International Electric Code) standard 61400-2.
 - ii. The wind turbine generator shall have a manufacturer's warranty with at least five years remaining from the date the application is filed.
 - iii.

The model of equipment proposed shall have a documented record of at least one year of reliable operation at a site with average wind speeds of at least 12 mph.

- k. Noise. Noise from a small-scale wind energy system shall not exceed 60 dBA SEL (single event noise level) as measured at the closest neighboring inhabited dwelling, except during short-term events, such as utility outages and severe windstorms.
- l. Visual Effects.
 - i. No small-scale wind energy system shall be placed or constructed in such a way that it silhouettes against the skyline above any major ridgeline when viewed from any designated Major, Secondary, or Limited Secondary Highway on the County Highway Plan Policy Map, from any designated Scenic Highway, or from any significantly inhabited area, as determined by the Director. As used in this Section, major ridgeline shall mean any ridgeline that surrounds or visually dominates the landscape, as determined by the Director, due to its:
 - (1) Size in relation to the hillside or mountain terrain of which it is a part;
 - (2) Silhouetting appearance against the sky, or appearance as a significant natural backdrop;
 - (3) Proximity to and visibility from existing development or major transportation corridors; or
 - (4) Significance as an ecological, historical, or cultural resource, including a ridgeline that provides a natural buffer between communities or is part of a park or trails system.
 - ii. The top of a small-scale wind energy system, including the wind turbine generator and the highest vertical extent of the blades, shall be located at least 25 vertical feet below the top of any adjacent major ridgeline, and a small-scale wind energy system shall be located at least 100 horizontal feet from any adjacent major ridgeline.
 - iii. Any small-scale wind energy system that is placed within the viewshed of a designated Major, Secondary, Limited Secondary, or Scenic Highway shall be assessed for its visual effects, and appropriate conditions relating to siting, buffers, and design of the system shall be applied.
 - iv. The placement of a small-scale wind energy system shall not obstruct views of the ocean from any residence or highway, and shall otherwise conform to the policies and standards of any applicable Local Coastal Plan.
- m. Maintenance. Systems shall be maintained in operational condition that poses no potential safety hazards.
- n.

Removal. Within six months after the operation of a small-scale wind energy system has ceased or its permit has expired, whichever occurs first, the permittee shall remove the system, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to the installation of the system. Failure to remove such system as required above shall constitute a public nuisance. Prior to installation of any such system, the permittee shall post a performance security, satisfactory to the Director of Public Works, in an amount and form sufficient to cover the cost of the removal of the system as provided herein. In the event the system is not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the system to be removed, and the permittee shall be required to pay the County's cost of removal.

o. Additional Standards for Ground-Mounted Small-Scale Wind Energy Systems. In addition to the standards required by this Subsection G.3, a ground mounted small-scale wind energy system shall also comply with the following:

i. Use of trellis-style towers is prohibited;

ii. Buffers. The following buffers shall apply to reduce impacts to birds and bats:

(1) No part of the ground-mounted small-scale wind energy system shall be closer than 300 feet or five times the tallest wind tower height including the wind turbine generator, wind-measuring devices, and highest vertical extent of any blades, whichever is greater, from the following:

(a) Bat roosting sites;

(b) Recorded open space easements and publicly designated preserve areas; and

(c) Riparian areas and wetland.

(2) No part of the ground-mounted small-scale wind energy system shall be closer than one mile from a known golden eagle nest site; and

iii. Tower Base. The vegetation within a 10-foot radius of the base of a wind tower shall be mowed, and appropriate measures shall be applied to prevent re-growth, but removal of existing vegetation root systems shall be prohibited.

4. Aviation Review. The Director shall distribute copies of the proposed site plan, elevation plan, and location map to aviation related regulatory agencies and facilities with flight operations in the vicinity, as determined by the Director, such as the FAA, Fire Department, Sheriff's Department, Edwards Air Force Base, and Air Force Plant 42, as applicable. Any comments received within 30 days of distribution, or more if additional review time is granted by the Director, will be considered in establishing conditions.

5. Additional Findings. When a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection G.1, above, the following additional findings shall apply, as applicable.

a.

Due to topographic or physical features of the site, strict compliance with all the required development standards would substantially and unreasonably interfere with the establishment of the proposed project on the subject property; and

b. The requested modification would not be contrary to the purpose of this Section.

6. Conditions of Approval. In addition to the conditions that may be imposed under Section 22.160.060 (Conditions of Approval), when a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection G.1, above, the following conditions of approval shall be imposed:

a. Development Standards. The applicable development standards in Subsection G.3, above, unless modified by Subsection G.5, above.

b. Findings. Any additional conditions deemed necessary to ensure that such use will be in accordance with the applicable findings in Subsection G.5, above.

H. Aviation Review. For any small-scale solar energy system or utility-scale solar energy facility subject to a Minor Conditional Use Permit (Chapter 22.160) or Conditional Use Permit (Chapter 22.158) and located within a MOA or AIAs as identified by the General Plan or applicable Airport Land Use Compatibility Plans, the following provisions apply:

1. Consultation. Aviation-related agencies shall be consulted for review of the proposed use for any potential impacts to ensure the safety of residents and continued viability of military training and testing operations. The Department shall distribute copies of the proposed site plan, elevation plan, and location map to the aviation-related agencies and shall request comments within a 30 day period. Applicable aviation-related agencies to be consulted include, but are not limited to, the FAA, United States Navy, Edwards Air Force Base, Air Force Plant 42, United States Forest Service, California Department of Transportation Division of Aeronautics, Public Works—Aviation Division, Airport Land Use Commission, Fire Department, and Sheriff's Department. The consultation review shall request consideration of the following:

a. Uses that produce electromagnetic and frequency spectrum interference, which could impact military operations;

b. Uses that release into the air any substances that may impair visibility such as steam, dust, or smoke;

c. Uses that produce light emissions that could interfere with pilot vision or be mistaken for airfield lighting, such as glare or distracting lights;

d. Uses that physically obstruct any portion of the MOA due to relative height above ground level; and

e. Uses, such as utility-scale solar energy facilities, that may affect aviation fire-fighting operations.

2. Any comments received through consultation shall be considered by the Department and provided to the Commission or Hearing Officer, as applicable.

I. Enforcement Procedures.

1. Pursuant to Section 22.242.070.A (Final Zoning Enforcement Order), the Director is authorized to issue a Final Zoning Enforcement Order, without prior issuance of a Notice of Violation, to any permittee operating a small-scale solar energy system, utility scale solar energy facility, temporary meteorological tower, or a small-scale wind energy system not in compliance with the provisions of this Section. The Final Zoning Enforcement Order shall subject the non-compliant permittee to enforcement actions pursuant to Section 22.242.070 (Zoning Enforcement Order and Noncompliance Fee). In addition, the non-compliant permittee may be subject to any civil and criminal remedies.
2. Nothing in this Subsection I shall preclude the Director from issuing a warning, field notice of violation, Notice of Violation, or citation prior to issuing a Final Zoning Enforcement Order for a non-compliant small-scale solar energy system, utility-scale solar energy facility, temporary meteorological tower, or small-scale wind energy system.

(Ord. 2022-0008 § 100, 2022; Ord. 2019-0004 § 1, 2019.)